

Summary
Environmental Rules Board
Indiana Government Center South
Conference Room A
Indianapolis, Indiana
Wednesday, April 9, 2014

1. CALL TO ORDER

Chair Beverly Gard called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Beverly Gard; Gary Powdrill; Ken Rulon; Tom Anderson; Chris Horn; Gail Boydston; Dr. Joanne Alexandrovich; Calvin Davidson; Kelly Carmichael; Dr. Ted Niemiec; Mike Mettler; Pam Fisher; David Bausman; and Tom Easterly.

Present for IDEM: Bruce Palin, Assistant Commissioner, Office of Land Quality; Jody Arthur, Technical Environmental Specialist, Watershed Assessment and Planning Branch, Office of Water Quality; Chris Pedersen, Section Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC); MaryAnn Stevens, Rulewriter, RDS, OLC; and, Susan Bem, Rulewriter, RDS, OLC.

2. INTRODUCTION OF BOARD MEMBERS

Chair Gard asked the board members to introduce themselves and their affiliations. Thereafter, Chair Gard introduced Ms. Susan Hedman, United States Environmental Protection Agency (U. S. EPA) Region 5 Administrator, who commented on the new solar project that is the Reilly Tar & Chemical Corporation Superfund site.

3. APPROVAL OF MEETING SUMMARY

Chair Gard called for approval of the March 12, 2014 meeting summary. A motion was made and seconded to accept the March 12, 2014 meeting summary. The Board voted to approve the March 12, 2014 meeting summary without changes.

4. REPORTS

- Stage II Vapor Recovery – Commissioner Tom Easterly clarified why the Stage II Vapor Recovery rule was not on the agenda for preliminary adoption. He explained that the rule language did not match the nonrule policy document that the Board had previously approved. He indicated that IDEM is working with U. S. EPA to make the rule acceptable.
- 2014 Environmental Bills – Commissioner Easterly discussed the results of the legislature's environmental bills and what the effects are relevant to rulemakings.
- Report Card from Region V – Commissioner Easterly reported on the handouts that charted the status of Title V Permits Backlog, Resource Conservation and Recovery Act (RCRA) Permit Renewal Backlog, Reduction of RCRA Permit Backlog, State RCRA Permit Backlog Trends, and various Permit Issuance Statistics.
- IDEM Rulemaking Schedules – Ms. Chris Pedersen briefed the Board on the rulemakings that would come before the June 2014 meeting. She also discussed the types of rule actions that would be taken on each rule.

5. RULEMAKING ACTIONS

LSA #13-358 Ozone and PM_{2.5} Standards

Chair Gard opened the hearing for consideration of final adoption of the Ozone and PM_{2.5} Standards rule and introduced Exhibit A, draft rules, into the record of hearing.

Ms. Pedersen spoke for the agency. She explained how the rulemaking amends 326 IAC 1-3-4 to include the most recent ozone and PM 2.5 standards to ensure consistency with federal regulations.

There was no Board discussion. Mr. David Bausman made a motion for the final adoption of the rule and Mr. Chris Horn seconded. The Board voted to final adopt the rule.

LSA #13-501 2013 Code of Federal Regulations (CFR) Update

Chair Gard opened the public hearing for final adoption of amendments to 326 IAC 1, 326 IAC 11 and 326 IAC 20, CFR Update. She then introduced Exhibit B, draft rules, into the record of hearing.

Ms. Pedersen spoke for the agency. She stated that Indiana does not automatically update its rules to include the most current federal regulations; therefore, an updated version is needed to incorporate those federal revisions.

There was a public commentor. Ms. Jennifer Thompson, Attorney of Bingham Greenebaum Doll, on behalf of the CASE Coalition, conveyed that she supported the 2013 CFR Update Rules. She also expressed concerns about the ambiguous definitions of solid waste.

There was a discussion about how federal regulations define solid waste versus how Indiana defines it. Mr. Tom Anderson made a motion to final adopt the proposed rule and Mr. Mike Mettler seconded. The Board voted to adopt the rule.

LSA #13-503 Utility National Emission Standard for Hazardous Pollutant (NESHAP)

Chair Gard opened the public hearing for final adoption of amendments to 326 IAC 20-89 and 326 IAC 24-4, Utility NESHAP rules. She then introduced Exhibit C, draft rules, into the record of hearing.

Ms. Susan Bem spoke for the agency. She explained how the rulemaking that applies to coal and oil-fired electric utility steam generating units, adds a new rule for power plants, incorporates by reference a federal rule, and repeals the Clean Air Mercury Rule.

There was a comprehensive Board discussion regarding what the effects would be on Indiana if the federal rule is vacated.

There were no public comments. Mr. Horn made a motion for the final adoption of the rule and Mr. Powdrill seconded. The Board voted 11-1 to final adopt the rule.

LSA #13-290 Special Designations and Exceptional Use Waters

Chair Gard opened the public hearing for consideration of preliminary adoption of amendments to 327 IAC 12-1, 327 IAC 2-1.5, 327 IAC 2-6.1-5, 327 IAC 15-2-6, 327 IAC 15-13 and 327 IAC 17-2-4, Exceptional Use Waters rule. She then introduced Exhibit D, draft rules, into the record of hearing.

Ms. MaryAnn Stevens spoke for the agency. She summarized this rulemaking as a cleanup-type rulemaking that brings the administrative rules in Title 327 into conformity with the statutes.

Mr. Powdrill and Dr. Joanne Alexandrovich asked several questions related to some of the definitions in the rulemaking.

There were no public comments and no Board discussion. Mr. Powdrill made a motion for the preliminary adoption of the draft rule. Mr. Ken Rulon seconded. The Board voted to preliminarily adopt the draft rule.

6. OPEN FORUM

No additional issues were brought to the Board.

7. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m., EDT on Wednesday, June 11, 2014, at the Indiana Government Center South Conference Room A. Chair Gard adjourned the meeting at 2:34 p.m.



CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries, you may go online to <http://www.in.gov/idem/4696.htm>.